

If exhibits are designated, copies from the law firm file or from the Bankruptcy Clerk's Office may be used. The ECRO or Court Reporter files a copy of the exhibit envelope that lists all admitted court exhibits. Use that document number. Only the exhibits listed by the ECRO or Court Reporter as admitted on the exhibit envelope are official

exhibits. Ensure that only copies of documents that were admitted are copied, if making copies from the Bankruptcy Clerk's Office, as unadmitted exhibits may be retained with the admitted exhibits.

### **OBTAINING A COPY OF THE DOCKET SHEET**

Docket sheets are available for viewing in the U.S. Bankruptcy Clerk's Office during regular business hours. Pursuant to the current fee schedule adopted by the Administrative Office of the U.S. Courts, the Clerk's Office will charge \$.50 per page for reproducing copies. Public Access to Court Electronic Records (PACER) provides access to detailed case information, dockets, and reports via the Internet for \$.07 per page. Contact the PACER Service Center to subscribe at (800) 676-6856 (or [pacer@aottd.uscourts.gov](mailto:pacer@aottd.uscourts.gov)). These services are available 24 hours a day, 7 days a week.

### **FAILURE TO PAY FILING FEE OR FILE A DESIGNATION OF RECORD**

Failure to: 1) pay the appeal filing fee within 48 hours of the filing of the notice of appeal or 2) file a proper and timely Designation of Record will be deemed an indication that the Appellant does not wish to pursue the appeal. The record on appeal consisting of a certified copy of the docket sheet, the Notice of Appeal, and the order from which the appeal is taken will be transmitted to the U.S. District Court with a Notice of Deficiency indicating that you failed to file a Designation of Record.

### **TRANSCRIPT OF PROCEEDINGS**

#### **For a Judge with an Electronic Court Recorder Operator (ECRO)**

1. Complete the transcript order form that can be downloaded from our website at <http://www.txnb.uscourts.gov/general/>.
2. Present the completed form via email or fax.  
Dallas: [dal\\_transcript@txnb.uscourts.gov](mailto:dal_transcript@txnb.uscourts.gov)  
(214)753-2038  
  
Ft. Worth: [ftw\\_transcript@txnb.uscourts.gov](mailto:ftw_transcript@txnb.uscourts.gov)  
(817)333-6001
3. Before transcription begins, the Court can provide you with an approximate date of completion and the transcriber contact information. Note that the transcriber will contact the ordering party to arrange the method of payment. All payments are payable to the transcriber, NOT to the U.S. Bankruptcy Court.
4. Your copy of the transcript may be picked up at the U.S. Bankruptcy Clerk's Office or by method of delivery arranged between the ordering party and the transcriber.
5. You are required to provide the court with a copy of the transcript, if designated, for the Record on Appeal.

#### **For a Judge With a Court Reporter**

For transcripts of proceedings before a judge who uses a court reporter, immediately after filing the Designation of Record you must make a written request for transcript to the court reporter and arrange for payment of the transcript directly with the court reporter. (See Rule 8006 and Rule 8007(a)). Telephone numbers for court reporters are available from the courtroom deputy of the respective bankruptcy judge.

### **All Transcripts**

A transcriber has 30 days from the date of receipt of the transcript request to file the transcript with the court. See Fed. R. Bankr. P. 8007(a).

### **COMPLETION AND ASSEMBLY OF THE RECORD ON APPEAL**

Although the primary responsibility to transmit the Record on Appeal rests with the U.S. Bankruptcy Clerk, the amendment to Rule 8006, as of August 1, 1991, provides that: "Any party filing a designation of the items to be included in the record shall provide to the clerk a copy of the items designated." You may provide copies of all designated items, including exhibits, from your own file, PACER or from the Clerk's Office. Note: court admitted exhibits are not available from PACER. Arrangements for obtaining copies can be made by completing and returning a Copy Request form available in the Clerk's Office or on the Court's web page ([www.txnb.uscourts.gov](http://www.txnb.uscourts.gov)).

Also, pursuant to Local Rule 8006.2, all copies of designated documents must be two-hole punched, one-sided, assembled in the order in which they are listed on the Designation/Cross-Designation and fastened into durable press-board binders, with a white label on the front. The label should give the case style, identify itself as the

appellant or appellee record and give the volume number. If the copies are too voluminous (more than 250 pages) to be included in a single volume, they must be divided into two or more volumes. Do not staple paper copies. Failure to comply with Local Bankruptcy Rule 8006 and Bankruptcy Appeal Procedures found on the bankruptcy court website under Local Rules shall result in the appeal being transmitted deficient to the U.S. District Court.

Include tabbed, numbered dividers or colored sheets of paper to separate designated documents. Once the paper record is submitted, no opportunity is available to correct any deficiencies found by the bankruptcy clerk, who, after review, is required to certify and paginate the record and must transmit the record "forthwith" while noting any deficiencies or noncompliance with the rules or Notice of Guidelines Regarding Appeals on the transmittal form.

### **TRANSMITTAL OF THE RECORD TO THE DISTRICT COURT**

The Clerk of the U.S. Bankruptcy Court shall transmit the record to the Clerk of the U.S. District Court, when the record has been assembled (including transcripts and exhibits) and after the expiration of applicable time limits. Upon receipt of the record, the Clerk of the U.S. District Court will enter the appeal on the docket and shall provide written notice to the parties of the day on which the appeal was docketed. Pursuant to Rule 8009 the time to file the appellant briefs begins on the date of entry of the appeal on the district court docket. Deficient records will be presented to the presiding United States District Judge for a determination on dismissing the appeal.

### **INTERLOCUTORY APPEALS**

Pursuant to Rule 8003 of the Bankruptcy Rules, the Notice of Appeal from an interlocutory order of the U.S. Bankruptcy Court must be accompanied by a "Motion For Leave To Appeal" under 28 U.S.C. §1334(b) or §1482(b). Within ten (10) days after service of the Motion, an adverse party may file with the Clerk of the U.S. Bankruptcy Court an Answer in Opposition. Once the ten (10) day period for submission of an Answer has expired, the Notice of Appeal, the Motion for Leave to Appeal and any answer in opposition will be transmitted by the Clerk of the U.S. Bankruptcy Court to the Clerk of the U.S. District Court for assignment to a United States District Judge.

### **DIRECT APPEAL**

The U.S. Court of Appeals for the Fifth Circuit may authorize the direct appeal of the appealed judgment, order or decree, bypassing the U.S. District Court, if the bankruptcy court certifies or all the parties to the appeal, acting jointly, file a certification of direct appeal to the court of appeals of a case that meets specific criteria. The bankruptcy court may certify on its own or upon the filing by any party or parties of a petition requesting direct appeal with the U.S. Bankruptcy Court before transmittal of the appeal record to the U.S. District Court and no later than 60 days after the entry of the appealed judgment, order, or decree. The parties may supplement the certification with a brief basis for certification. The filing of a petition does not stay any proceeding of the bankruptcy court absent a court order. See 28 U.S.C. §158(d) for specific information regarding direct appeals.

DATED: 4/28/09

FOR THE COURT:  
Tawana C. Marshall, Clerk of Court

by: /s/G Luna, Deputy Clerk